

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 6967 of 1987

For Approval and Signature:

Hon'ble MR.JUSTICE D.C.SRIVASTAVA sd/-

- =====
1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements? No
 2. To be referred to the Reporter or not? No :
 3. Whether Their Lordships wish to see the fair copy No :
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder? No
 5. Whether it is to be circulated to the Civil Judge? No :

JAGDISHBHAI K MALAVIAYA

Versus

COMMISSIONER OF LABOUR

Appearance:

MRS KETTY A MEHTA for Petitioner

M/S PATEL ADVOCATES for Respondent No. 1, 2, 3, 4

CORAM : MR.JUSTICE D.C.SRIVASTAVA

Date of decision: 24/12/1999

ORAL JUDGEMENT

1. The petitioner, through this petition, has challenged the adverse entries in his character roll, as recorded by the Competent Authority and communicated to

the petitioner, through Annexure : L dated 13.10.1987. These adverse remarks were for the period 1.4.1986 to 31.3.1987. He has prayed that the aforesaid remarks be cancelled and the same should not be taken as adverse confidential remarks for the purpose of promotion of the petitioner to the post of Assistant Labour Commissioner.

2. This writ petition was admitted on 31.12.1987. on 5.1.1988 it was ordered by this Court that the Labour Commissioner to consider and dispose of the representation given by the petitioner within a period of four weeks from that date. Ms. K.T.Mehta, learned Counsel for the petitioner states that representation was made to the concerned Authority and the concerned Authority after considering the representation and applying mind to the allegations made in the representation expunged all the adverse remarks, except at Sr.Nos.1 & 9. Allegations have been made in the petition that the adverse remarks were malafide and arbitrary. After considering the representation the respondent No.1, through his order dated 25.2.1988, has expunged all the remarks, except at Sr.Nos.1 & 9. These remarks cannot be said to be the result of malafide on the part of Assessing Authority, the respondent No.2. As such after the order dated 25.2.1988 of the respondent No.1 nothing survives in this writ petition, which is accordingly dismissed with no order as to costs.

sd/-

Date : December 24, 1999 (D. C. Srivastava, J.)

sas